

Request Granted. So Ordered.



Robert W. Lehrburger  
USMJ  
9/10/2020

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X
<b>UNITED STATES OF AMERICA</b>	:
Plaintiff,	:
	:
- v. -	: <b>1:20-MJ-02109</b>
	:
<b>COMPTON RICHMOND</b>	:
Defendant	:
-----	X

**Motion to Modify Conditions of Release**

Defendant, COMPTON RICHMOND, respectfully moves this court to modify the travel conditions of his release.

1. Mr. Richmond, a New York resident, was arraigned on March 5, 2020, where he was released on \$50,000 bond with restricted travel to the Districts of New York, and for work to Connecticut, Maryland, New Jersey, Pennsylvania, Virginia, Delaware, and Washington, D.C. (see Ex. A (Defendant's Bail Disposition)).
2. Mr. Richmond is enlisted in the United States Marine Corps Reserve. As part of his service contract, he is required to report for mandatory inactive duty training between September 10, 2020 and September 13, 2020, at Marine Corps Base Quantico, located in Quantico, Virginia (see Ex. B (Request For Training Duty Leave Of Absence)).
3. Mr. Richmond's superior, Corporal Grund, spoke with defense counsel on September 3, 2020, and informed defense counsel that Mr. Richmond's training will require him to possess, use, and/or work with firearms, weapons, et al, *while on the military base*

(emphasis added). Specifically, this is an annual rifle training and certification course that all marines must attend annually<sup>1</sup>.

4. Accordingly, Mr. Richmond respectfully requests Your Honor to amend his conditions of release to allow him to travel to Quantico, VA to complete this training as fully directed and supervised by the command of the United States Marine Corps Reserve.
5. Defense counsel has spoken with Supervising U.S. Probation and Pretrial Officer Dennis Khilkevich who made clear that Pretrial Services defers to the government's position as concerns this modification request.
6. Assistant United States Attorney Maurene Comey informed defense counsel that the government consents to Mr. Richmond being able to carry out his mandatory training, in full, as commanded and supervised by the United States Marine Corp Reserve.

WHEREFORE, Defendant respectfully requests Your Honor to enter an Order granting this motion and temporarily modifying the terms of Defendant's release, to allow him to be able to complete his mandatory training, in all respects, including the use of weapons while on the base.

cc: AUSA Maurene Comey (ECF)  
US Pretrial Officer Erin Cunningham (ECF)

*Phillip C. Hamilton*

Phillip C. Hamilton, Esq.  
Hamilton|Clarke, LLP  
48 Wall Street, Suite 1100  
New York, NY 10005  
T: 212-729-0952  
PH@HamiltonClarkeLLP.com

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<sup>1</sup> Mr. Richmond has several military trainings per year. Magistrate Judge Hon. Sarah Netburn of the Southern District of New York approved a bail modification request on July 8, 2020 for Mr. Richmond to travel to Fort Dix, New Jersey for a weapons training on base between the dates of July 10 and July 24. (See Ex. C (So Ordered Bail Modification Request)).

# Exhibit A

ORIGINAL

AO 98 (Rev. 12/11) Appearance Bond

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America )

v. )

Case No. 20 MAG 2109

COMPTON RICHMOND )

Defendant )

## APPEARANCE BOND

## Defendant's Agreement

I, COMPTON RICHMOND (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( ☒ ) to appear for court proceedings;  
 ( ☒ ) if convicted, to surrender to serve a sentence that the court may impose; or  
 ( ☒ ) to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

- ( ☒ ) (1) This is a personal recognizance bond.  
 ( ☒ ) (2) This is an unsecured bond of \$ 50,000.00 .  
 ( ☐ ) (3) This is a secured bond of \$ \_\_\_\_\_, secured by:

( ☐ ) (a) \$ \_\_\_\_\_, in cash deposited with the court.

( ☐ ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property  
 (describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

( ☐ ) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

### Declarations

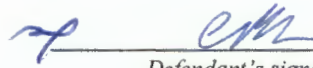
*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 3/5/2020



Defendant's signature **COMPTON RICHMOND**

Surety/property owner –

Surety/property owner –

Surety/property owner –

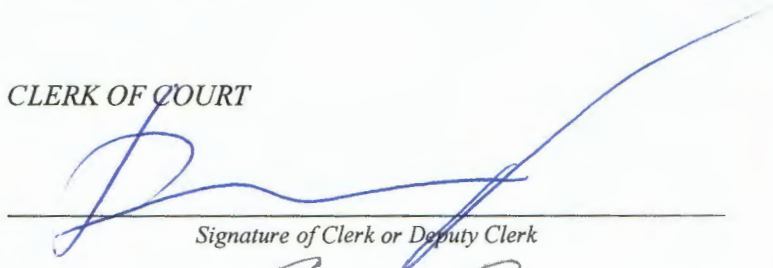
Surety/property owner –

Surety/property owner –

Surety/property owner –

CLERK OF COURT

Date: 3/5/2020



Signature of Clerk or Deputy Clerk

Approved.

Date: 3/5/2020



AUSA's Signature **JESSICA LONERGAN**

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

COMPTON RICHMOND*Defendant*Case No. **20 MAG 2109****ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

*Place*

on

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ☐ ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

- ( ☒ ) (7) The defendant must:

- ( ☒ ) (a) submit to supervision by and report for supervision to the **PSA AS DIRECTED**,  
telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

- ( ☐ ) (b) continue or actively seek employment.

- ( ☐ ) (c) continue or start an education program.

- ( ☒ ) (d) surrender any passport to: **PRETRIAL SERVICES**

- ( ☒ ) (e) not obtain a passport or other international travel document.

- ( ☒ ) (f) abide by the following restrictions on personal association, residence, or travel: **SOUTHERN AND EASTERN DISTRICTS OF NEW YORK WESTERN AND NORTHERN DISTRICTS OF NEW YORK**

- ( ☐ ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

- ( ☐ ) (h) get medical or psychiatric treatment: \_\_\_\_\_

- ( ☐ ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

- ( ☐ ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- ( ☒ ) (k) not possess a firearm, destructive device, or other weapon.

- ( ☐ ) (l) not use alcohol ( ☐ ) at all ( ☐ ) excessively.

- ( ☐ ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ( ☒ ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ( ☒ ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ( ☐ ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

( ☐ ) (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as directed by the pretrial services office or supervising officer; or

( ☐ ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

( ☐ ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- ( ☐ ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

( ☐ ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- ( ☐ ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

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**ADDITIONAL CONDITIONS OF RELEASE**

- ( ☒ ) (s) AGREED CONDITIONS OF RELEASE: \$50,000 PERSONAL RECOGNIZANCE BOND; TO BE COSIGNED BY TWO FINANCIALLY RESPONSIBLE PERSONS; WHO MUST EXECUTE THE PRB ON OR BEFORE THE C.O.B. 3/19/2020; TRAVEL RESTRICTED TO SDNY/EDNY/WDNY/NDNY; SURRENDER TRAVEL DOCUMENTS AND NO NEW APPLICATIONS; PRETRIAL SUPERVISION AS DIRECTED BY PRETRIAL SERVICES; DRUG TESTING AND TREATMENT; DEFT NOT TO POSSESS FIREARMS, DESTRUCTIVE DEVICES, OTHER WEAPONS; DEFT MAY TRAVEL FOR WORK TO CT, MD, NJ, PA, MD, VA, DEL. AND WASHINGTON DC; DEFT SHALL HAVE NO CONTACT WITH INMATES OR RELATIVES OF INMATES OF THE CORRECTIONAL FACILITY NOTED IN THE COMPLAINT, EXCEPT THROUGH COUNSEL. DEFT TO BE RELEASED ON 3/5/2020.
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-



**ADVICE OF PENALTIES AND SANCTIONS****TO THE DEFENDANT:****COMPTON RICHMOND****20 MAG 2109**

3/5/20

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

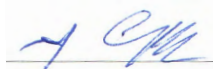
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


Defendant's Signature **COMPTON RICHMOND****DEFENDANT RELEASED**

City and State

**Directions to the United States Marshal**

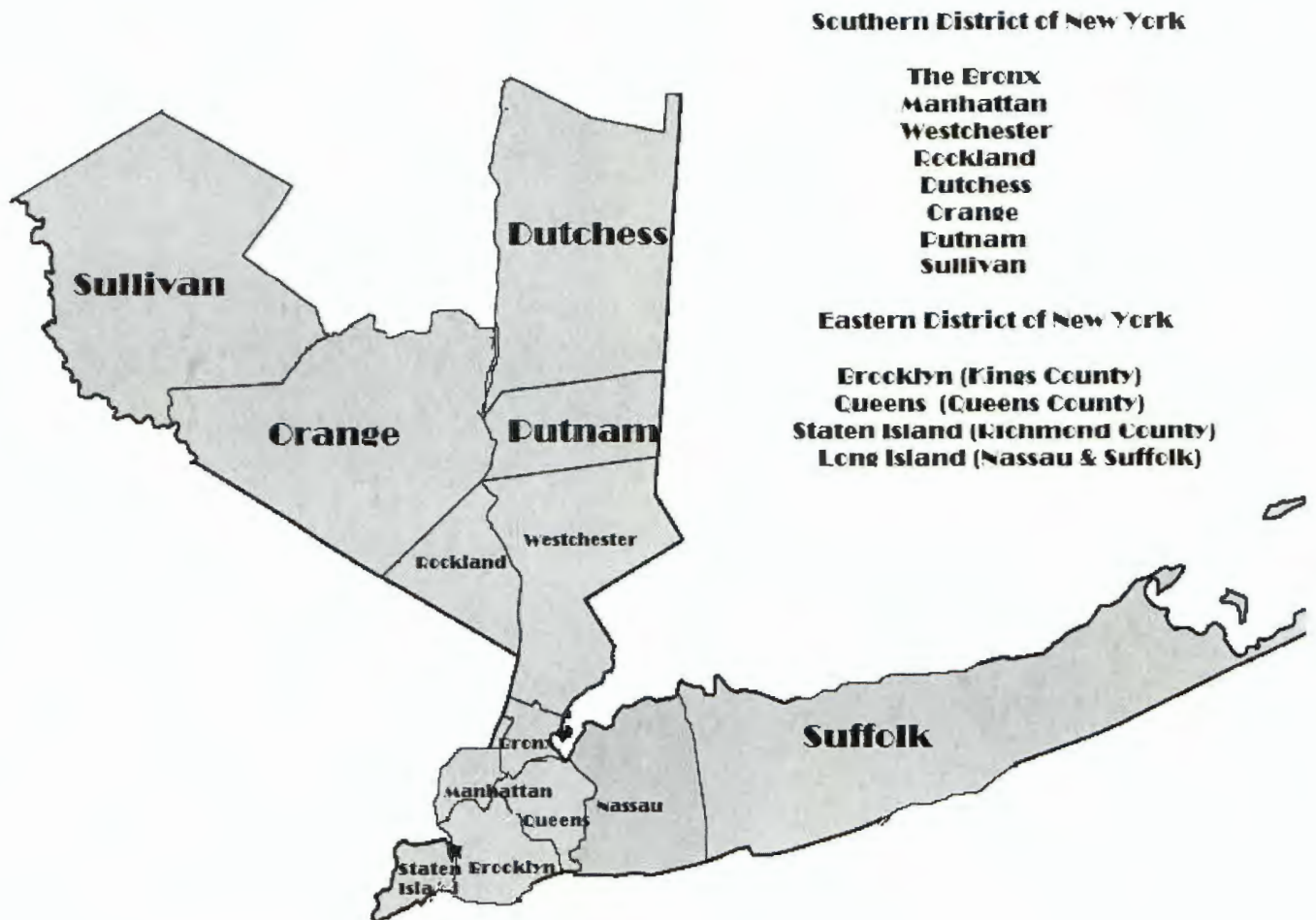
- ( ☒ ) The defendant is ORDERED released after processing.
- ( ☒ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 3/5/2020

Judicial Officer's Signature

AUSA's Signature

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



NONY  
NONY



DOCKET No. 20 M 2109

DEFENDANT

Compton RichmondAUSA Jessica Lonergan

DEF.'S COUNSEL

Peter Quilano☐ INTERPRETER NEEDED☐ RETAINED ☐ FEDERAL DEFENDERS ☒ CJA ☐ PRESENTMENT ONLYBy Anna Sidens  
☐ DEFENDANT WAIVES PRETRIAL REPORT☒ Rule 5 ☐ Rule 9 ☐ Rule 5(c)(3) ☐ Detention Hrg.DATE OF ARREST 3/5/20☐ VOL. SURR.TIME OF ARREST 8:00 a.m.☐ ON WRIT☐ Other: \_\_\_\_\_TIME OF PRESENTMENT 9:10 p.m. 3/5/20**BAIL DISPOSITION**☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ SEE SEP. ORDER☐ DETENTION HEARING SCHEDULED FOR: \_\_\_\_\_☐ SEE TRANSCRIPT☒ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☒ \$ 50,000 PRB ☒ 2 FRP, who must execute the PRB on or before the COB 3/19/20☐ SECURED BY \$ \_\_\_\_\_ CASH/PROPERTY: \_\_\_\_\_☒ TRAVEL RESTRICTED TO SDNY/EDNY/WDNY, NDNY☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)☒ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☒ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☒ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM☒ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☐ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: \_\_\_\_\_

; REMAINING CONDITIONS TO BE MET BY: \_\_\_\_\_

**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**Def. may travel for work to CT, MD, NJ, PA, MD, VA, DEL. and Washington, DC.Def. shall have no contact with inmates or relatives of inmates of the correctional facilities noted in the complaint, except through counsel.Def. to be released on 3/5/20☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON \_\_\_\_\_☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL \_\_\_\_\_**For Rule 5(c)(3) Cases:**☐ IDENTITY HEARING WAIVED☐ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☐ CONTROL DATE FOR REMOVAL: \_\_\_\_\_PRELIMINARY HEARING DATE: 4/6/20☒ ON DEFENDANT'S CONSENTDATE: 3/5/201 Corin C. Hamilton  
UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.

# Exhibit B



**UNITED STATES MARINE CORPS**

BATTERY G  
3D BATTALION, 14TH MARINES  
8610 RANGE ROAD  
JOINT BASE MDL, NJ 08640

IN REPLY REFER TO:

1000

CO

22 Jul 20

REQUEST FOR TRAINING DUTY LEAVE OF ABSENCE

To Whom It May Concern,

1. Pursuant to section 9(g) (4) of the Military Selective Service Act of 1967, as amended, request a leave of absence for required training in the United States Marine Corps Reserve as indicated:

- a. For mandatory inactive duty training for the following period of duty:

10-13 September, 2020

2. To employer; section 9 (g) (4) of the Military Selective Service Act of 1967, as amended, provides a statutory leave of absence and re-employment rights for persons employed by private employers or the federal government who hold positions other than temporary and request leave to perform military training. If you desire information concerning the eligibility requirements or rights to be afforded under the re-employment statutes, you may wish to contact the office of Veteran's Re-employment Rights, U. S. Department of Labor, Washington, D. C. 20210. If additional documentation is desired, please do not hesitate to contact First Sergeant Estrella at (609) 562-8678 [mindo.estrella@usmc.mil](mailto:mindo.estrella@usmc.mil).

A handwritten signature in black ink, appearing to read "K. M. Basch", is centered below the text.

K. M. BASCH



# Exhibit C

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<hr/>	X
<b>UNITED STATES OF AMERICA</b>	:
Plaintiff,	:
	:
- v. -	: <b>1:20-MJ-02109</b>
	:
<b>COMPTON RICHMOND</b>	:
Defendant	:
<hr/>	X

**Motion to Modify Conditions of Release**

Defendant, Compton Richmond, respectfully moves this court to modify the conditions of his release pertaining to possessing a firearm/destructive device/other weapon.


1. Mr. Richmond, a New York resident, was arraigned on March 5, 2020, where he was released on \$50,000 bond with restricted travel to the Districts of New York, and for work to Connecticut, Maryland, New Jersey, Pennsylvania, Virginia, Delaware, and Washington, D.C. (see Ex. A (Defendant's Bail Disposition)).
2. Mr. Richmond is enlisted in the United States Marine Corps Reserve. As part of his service contract, he is required to report for mandatory inactive duty training, also known as Annual Training ("AT"), between July 10, 2020 and July 24, 2020, at Fort Dix, in New Jersey, located at 8610 Range Road,

Joint Base MDL, NJ 08640 (see Ex. B (Request For Training Duty Leave Of Absence)).

3. Mr. Richmond's superior, Corporal Grund, spoke with defense counsel on July 6, 2020, and informed defense counsel that Mr. Richmond's AT will require him to possess, use, and/or work with firearms, weapons, et al, while on the military base.
4. Accordingly, Mr. Richmond respectfully requests Your Honor to amend his conditions of release to allow him to travel to Fort Dix to complete his two weeks of AT as fully directed and supervised by the command of the United States Marine Corps Reserve.
5. Defense counsel has spoken with U.S. Probation and Pretrial Officer Erin Cunningham who made clear that because Mr. Richmond "has been compliant with all conditions of release," Pretrial Services consents to Mr. Richmond's travel to Fort Dix, while deferring the use of weapons to the government.
6. Assistant United States Attorney Maurene Comey informed defense counsel that the government consents to Mr. Richmond being able to carry out his AT, in full, as commanded and supervised by the United States Marine Corp Reserve.

WHEREFORE, Defendant respectfully requests Your Honor enter an Order granting this motion and temporarily modifying the terms of Defendant's release, to allow him to be able to complete his AT, in all respects, including the use of weapons while on the base.

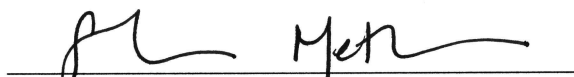
cc: AUSA Maurene Comey (ECF)  
US Pretrial Officer Erin Cunningham (ECF)



Phillip C. Hamilton, Esq.  
Hamilton|Clarke, LLP  
48 Wall Street, Suite 1100  
New York, NY 10005  
T: 212-729-0952  
PH@HamiltonClarkeLLP.com

The request is GRANTED.  
**SO ORDERED.**

Dated: July 8, 2020  
New York, New York

  
SARAH NETBURN  
United States Magistrate Judge